

Message Text

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44

ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 CIAE-00 DODE-00 PM-03 H-01

INR-07 L-02 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

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XMB-02 OPIC-03 CIEP-01 LAB-04 SIL-01 OMB-01 /093 W
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FM AMEMBASSY NICOSIA

TO SECSTATE WASHDC PRIORITY 1175

I EFO RUQMGU/AMEMBASSY ANKARA 4730

AMEMBASSY ATHENS

AMEMBASSY LONDON

AMEMBASSY BONN

AMEMBASSY PARIS

AMEMBASSY ROME

USMISSION NATO

USMISSION EC BRUSSELS

USMISSION USUN

C O N F I D E N T I A L NICOSIA 0650

E. O. 11652: GDS

TAGS: CPRS PFOR CY TU US

SUBJECT: TURK CYPRIOT PROCEDURES ON PROPERTY CLAIMS

REF: NICOSIA 0380

1. SUMMARY: EMBASSY COMMENTS ON ATA NOTE ARE SET OUT
BELOW TOGETHER WITH OUR RECOMMENDED COURSE OF ACTION.
TEXT WAS DRAFTED PRIOR TO FEB 13 DECLARATION OF FEDERA-
TED TURKISH CYPRIOT STATE. EMBASSY BELIEVES RECOMMEN-
DATIONS REMAIN VALID. WOULD APPRECIATE DEPARTMENT'S
ADVICE AND INSTRUCTIONS. END SUMMARY.

2. BASIC QUESTION WE MUST FACE IS WHETHER OR NOT USG
RECOGNIZES LEGAL EXISTENCE OF ENTITY KNOWN AS "AUTONOMOUS
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TURKISH CYPRIOT ADMINISTRATION (ATA) NOW STYLED FEDERATED

TURKISH CYPRIOT STATE. CLEAR THAT PROPERTY PROTECTION RUSE IS ONE MORE TURKISH EFFORT TO GAIN BACKDOOR RECOGNITION OF THIS ENTITY. EMBASSY FEELS THAT RECOGNITION, EVEN WITH DISCLAIMER, POLITICALLY UNDESIRABLE, SINCE IT LIKELY HAVE ADVERSE EFFECT ON WHATEVER CHANCE NEGOTIATIONS HAVE LEFT, AND QUESTIONS WHETHER RECOGNITION AND/OR COMPLIANCE WITH PROCEDURES OUTLINED REFTEL WOULD ENHANCE PROPERTY PROTECTION.

3. ATA NOTE ATTEMPTS SHIFT RESPONSIBILITY FOR PROTECTION OF PROPERTY FROM GOT TO ATA, WITH IMPLICATION THAT LATTER ORGANIZATION WOULD ADJUDICATE AND ADMINISTER CLAIMS FOR COMPENSATION. FOR STARTERS, NEITHER ATA (NOR FEDERATED TURKISH CYPRIOT STATE) HAS FUNDS TO ACCOMPLISH THIS. ALSO, IT CLEAR THAT COMPETENT AUTHORITY IN NORTHERN CYPRUS IS TURKISH ARMY, WHICH IS IN COMPLETE CONTROL OF PROPERTY ACCESS, PROPERTY CLAIMS AND PROPERTY PROTECTION. LOCAL OFFICIALS SERVE AS FACADE FOR TURKISH MILITARY, REFERRING QUESTIONS ON THIS SUBJECT TO MILITARY HEADQUARTERS FOR RESOLUTION.

4. NOTEWORTHY THAT ATA INSTRUCTION INSINUATES THAT IT WILL BE RESPONSIBLE ONLY FOR LOSSES INCURRED AFTER JANUARY 25, 1975. ACCEPTANCE OF NOTE WOULD APPEAR TO ABSOLVE TURKISH GOVERNMENT AND TURK CYPRIOTS OF RESPONSIBILITY FOR DAMAGE AND THEFT WHICH OCCURRED BETWEEN JULY 20, 1974 AND JANUARY 25, 1975. THIS IS PRECISELY THE PERIOD WHEN MOST LOOTING AND DESTRUCTION TOOK PLACE.

5. ATA NOTE ESTABLISHES ARBITRARY DATES 'JUNE 30, 1975 FOR PRIVATE CITIZENS AND MARCH 31, 1975 FOR CORPORATIONS) BY WHICH FOREIGNERS MUST REGISTER THEIR PROPERTY. IMPLICATION IS THAT PROPERTIES NOT REGISTERED BY THAT DATE WILL BE CONFISCATED.

6. ACCEPTANCE OF NOTE WOULD OPEN DOOR TO OTHER STRATAGEMS AIMED AT OBTAINING DEFACTO RECOGNITION FOR TURK CYPRIOT DIPLOMATIC CORPS; REQUIRING VISAS TO ENTER NORTHERN CYPRUS; TURK CYPRIOT EXTENSION OF GOC PASSPORTS; AND ISSUANCE OF TURK CYPRIOT TRAVEL DOCUMENTS.
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7. RECOMMENDATIONS: (A) RESPONSE TO ATA "NOTE" SHOULD BE CONSIDERED IN CONTEXT OF USG'S OVERALL POLICY TOWARDS NEWLY PROCLAIMED "FEDERATED TURKISH CYPRIOT STATE" AND IMPLICATIONS REGARDING RECOGNITION.

(B) EMBASSY RECOMMENDS THAT GOT BE INFORMED THAT USG REGARDS GOT AS BEARING RESPONSIBILITY FOR PROTECTION OF

UNITED STATES PROPERTY IN THAT PORTION OF CYPRUS REPUBLIC WHICH IS OCCUPIED BY TURKISH ARMY. THIS RESPONSIBILITY EXTENDS FROM DATE OF OCCUPATION AND, IN OUR VIEW, NEITHER RESPONSIBILITY NOR TITLE OF OWNERSHIP CAN BE EFFECTED BY ANY ARBITRARY DATE OF REGISTRATION ESTABLISHED BY TURK CYPRIOT AUTHORITIES.

(C) GOT SHOULD BE INFORMED THAT USG RESERVES THE RIGHT TO CLAIM COMPENSATION FOR DAMAGED, LOOTED, OR CONFISCATED PROPERTY.

(D) AMBASSADOR SHOULD WRITE TO DENKTASH, IN HIS CAPACITY AS VICE PRESIDENT OF REPUBLIC, INFORMING HIM OF NON-ACCEPTANCE OF NOTE AND OF APPROACHES TO THE GOT, AND REQUESTING THAT HE ASSIST TURKISH AUTHORITIES IN PROTECTING US PROPERTY. ALTERNATIVELY, WE COULD SIMPLY SEND DENKTASH DROP COPY OF WHATEVER COMMUNICATION WE ADDRESS TO GOT.

8. ABOVE COMMENTS ON ATA NOTE WERE DISCUSSED INFORMALLY ON JANUARY 30 BY NATO AMBASSADORS IN CYPRUS. THEY GENERALLY CONCURRED IN OUR EVALUATION, THOUGH BRITISH, AT THAT TIME, THOUGHT FCO WOULD CHOOSE GO DISCLAIMER ROUTE. NO NATO AMBASSADORS MEETING SINCE FEB 13 PROCLAMATION.

9. WOULD APPRECIATE DEPT'S ADVICE AND INSTRUCTIONS, SPECIFICALLY WITH REFERENCE TO ADVICE EMBASSY SHOULD GIVE US CITIZENS AND FIRMS RE COMPLYING WITH ATA NOTE.
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